



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CLEVELAND OFFICE
25089 CENTER RIDGE ROAD
WESTLAKE, OH 44145-4170

APR 4 2000

EPA Region 5 Records Ctr.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



253011

The Estate of Robert Buckley
c/o Donald E. George, Attorney-at-Law
503 Portage Lakes Dr. #8
Akron, OH 44319

RE: Buckley Towing Site, 2977 Manchester Road, Akron, Ohio
General Notice of Potential Liability

Dear Mr. George:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a site-specific Health and Safety Plan;
2. Secure and contain all hazardous substances on site;
3. Conduct additional sampling to identify, inventory, and characterize hazardous substances or pollutants or contaminants on site, including ignitable wastes and corrosives;

4. Stabilize and dispose off-site all hazardous substances or pollutants or contaminants from drums and containers at a U.S. EPA-approved disposal facility in accordance with the U.S. EPA Off-Site Rule (40 CFR § 300.440);

5. Take any response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

U.S. EPA has received information that Robert Buckley may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of the potential liability of the Estate of Robert Buckley with regard to this matter and encourages you, as representative of a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which the Estate of Robert Buckley would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring the Estate of Robert Buckley to perform specified work. Under Sections 106 and 107 of CERCLA, the Estate of Robert Buckley may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As representative of a potentially responsible party, you should notify U.S. EPA in writing within seven (7) days of receipt of this letter of the Estate of Robert Buckley's willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debora Haidar
U.S. EPA - Region 5
25089 Center Ridge Road,
Westlake, Ohio 44145.

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of the

Estate of Robert Buckley's potential responsibility in connection with the facility and that the Estate of Robert Buckley has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Nola Hicks of the U.S. EPA Office of Regional Counsel at (312)886-7949.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Richard C. Karl, Chief
Emergency Response Branch